

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

DENISE MARIE BARTON (MABN 634052)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7359
Facsimile: (415) 436-7234
denise.barton@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70345
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME
v.)	
)	
GLENIO JESUA FERREIRA SILVA,)	
)	
Defendant.)	
_____)	

On June 18, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 18, 2007 through July 11, 2007. The parties represented that granting the continuance was necessary for continuity of counsel, taking into account the exercise of due diligence, insofar as counsel for the defendant and counsel for the Government are each unavailable for certain dates within this period. Counsel for the defendant also agreed to waive the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), in light of these scheduling conflicts. The parties also represented that the continuance was also necessary for effective preparation of counsel to permit defense counsel to review discovery. See 18 U.S.C. § 3161(h)(8)(B)(iv).

1 IT IS SO STIPULATED.

2 SCOTT N. SCHOOLS
3 United States Attorney

4 DATED: June 22, 2007

5 DENISE MARIE BARTON
6 Assistant United States Attorney

7 DATED: June 22, 2007

8 STEVEN GRUEL
9 Attorney for GLENIO JESUA FERREIRA
10 SILVA

11
12 **IT IS SO ORDERED.**

13 As the Court found on June 18, 2007, and for the reasons stated above, the Court finds that
14 the ends of justice served by the continuance outweigh the best interests of the public and the
15 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act
16 calculations from June 18, 2007 through July 11, 2007 for continuity of counsel and effective
17 preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested
18 continuance would deny the defendant continuity of counsel and effective preparation of counsel,
19 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
20 See 18 U.S.C. §3161(h)(8)(B)(iv).
21

22
23 DATED: _____

24 _____
25 Honorable Bernard Zimmerman
26 United States Magistrate Judge
27
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